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electroneutrality of the compound.

Claim 64, line 1, replace "x" with - - X - -;

Claim 65, line 2, replace "ex" with - - x - -;

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-22, 24, 26-39, 41-59, 61-62, and 64-65 are pending in the application. The independent claims are Claims 1, 6, 16, 19, 24, 50, 57, 59, 61, and 62.

Applicants previously elected Claims 23, 25-49, and 60, and the remaining claims have been withdrawn from further consideration.

Claim 62 is the only independent claim of the elected group of claims.

The Amendment filed December 14, 1999 was objected to as allegedly introducing new matter, as discussed at page 2 of the Office Action. Applicants respectfully traverse this objection. Applicants have made some changes to the claims and submit that the claims do not introduce new matter and are well supported by the specification. The changes introduced with

the previous amendment, and substantially maintained herein are not believed to introduce new matter, but rather simplify the structures originally claimed. The fact that the variables of each element be of such value to ensure electroneutrality is provided for at the bottom of page 5 of the specification. The limitation $0 \leq y \leq 0.2$ is clearly supported by page 6 lines 2-3 of the specification. Further, grouping elements D, T, Q, and R into M' does not either introduce new matter, but merely simplifies the formula.

Claims 26-49 and 62-65 were rejected under 35 USC 112, first paragraph, for the reasons noted at page 3 of the Office Action. Applicants respectfully traverse this rejection. Applicants submit that the subject matter now claimed in Claim 62 would not require undue experimentation by one of ordinary skill in the art. All the necessary indications to produce the cathode material of the present invention are provided for in the specification. Such materials can be prepared by any conventional technique used in ceramic powder processing for instance, by firing a mixtures of oxides or their precursors under air, or when a lower state of oxidation of M' is required, under inert atmosphere. Such process is conventional to anyone of ordinary skill in the art. A suitable precursor

is a derivative of a corresponding element giving an oxide thereof upon appropriate treatment like heating or hydrolysis.

Claims 28, 30, 31, 62, and 63 were rejected as being unpatentable over Shackle for the reasons noted at pages 4-5 of the Office Action. Applicants respectfully traverse this rejection. Applicants submit that the Office Action is incorrect in stating that Shackle teaches olivine structures. In fact, the inventors have examined the Chemical Abstract Accession Number provided by the Examiner, and obtained a copy of the publication associated therewith (*Spectrochimica Acta*, 1974, 30A, 673-680, copy enclosed). As can be seen in page 675 lines 5-10, it is admitted that the structure of the product is not believed to be an olivine structure. It is therefore clear that the compound of the present invention is patently distinct over Shackle, which, as stated above, does not disclose or suggest that his compound comprises an ordered or modified olivine structure.

In view of the above amendments and remarks, it is believed that this application is now and condition for allowance and a Notice thereof is respected requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010.

All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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